

Section 2.12 - Sample Provision Excerpt (Public Preview)

household pets such as dogs and cats, not to exceed three (3) each in number and in the aggregate, is allowed; however, no breeding, raising, or boarding of such pets is permitted on any Lot.

ISSUE #1



MARKUP #1 ->



MARKUP #1 · FAIR HOUSING ACT (FHA) LIABILITY RISK

BOARD & COUNSEL REVIEW

**Sec. 2.12 (p. 10): Pet restriction clause lacks mandatory statutory carveout for assistance and emotional support animals.**

**Statutory / Legal Reference: 42 U.S.C. § 3604(f)(3)(B) & 24 C.F.R. § 100.204 (Fair Housing Act - Assistance Animals) & HUD FHEO-2020-01**

Statutory Comparison: Under federal Fair Housing Act regulations (42 U.S.C. § 3604(f)(3)(B), 24 C.F.R. § 100.204, and HUD Notice FHEO-2020-01), associations cannot apply pet restrictions, breed bans, weight limits, or pet fees/deposits to an individual with a disability who requires a service animal or emotional support animal.

**CURRENT WORDING IN DOCUMENT:**

household pets such as dogs and cats, not to exceed three (3) each in number and in the aggregate, is allowed; however, no breeding, raising, or boarding of such pets is permitted on any Lot.

**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**

household pets such as dogs and cats, not to exceed three (3) each in number and in the aggregate, is allowed; however, no breeding, raising, or boarding of such pets is permitted on any Lot. [MANDATORY FEDERAL CARVEOUT]: Provided, however, that these pet restrictions, breed prohibitions, weight limitations, and pet fees shall not apply to verified assistance animals, including service animals...